

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/797,876
Applicants: Dip et al.
Art Unit: 2811
Examiner: Matthews, Colleen Ann
Title: **SILICON GERMANIUM SURFACE LAYER FOR HIGH-K
DIELECTRIC INTEGRATION**
Attorney Docket: TPS-007
Confirmation No.: 5070

September 10, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed June 10, 2009, finally rejecting claims 1-8, 10-11, 13-20, and 26-28.

The item(s) checked below are appropriate:

 1. A Petition and Fee for Extension of Time for reply to the Final Rejection is attached.

X 2. Appeal Fee

X Other than a small entity Fee: \$540
 Small entity Fee:

X 3. Payment

 Check attached for the sum of \$.
 Please charge Deposit Account No. 23-3000 in the sum of \$.
 X Payment of all charges due for this filing is made on the attached Electronic Fee Sheet.

X 4. If any additional fee for extension or appeal is required, or if any overpayment is made, either charge or credit Deposit Account No. 23 - 3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: /Kevin E. Kuehn/
Kevin E. Kuehn, Reg. No. 51,904